

LEASING & REQUESTING REPAIRS

LEASING AN APARTMENT

Before you sign a lease, make sure you have inspected the actual apartment you will be renting. Remember to make your landlord put all agreements in writing before you move in. For example, if the landlord agrees to make a repair such as cleaning the carpet or painting a bedroom, make sure the promise is in writing. When you move into a place, write down all the things that are wrong with the apartment (such as torn screens) and get your landlord to sign an acknowledgement of them. By doing this, you may avoid being charged for damages you did not cause when it's time to move out. Many landlords and complexes have inspection checklist forms they use for this purpose.

Date

Dear Landlord's Name:

I am writing about problems with my apartment at 3321 Maple Court. As you know from my repeated complaints and my last letter, the following conditions exist in my property:

- 1) leak in the kitchen ceiling,
- 2) hole in the bathroom wall,
- 3) broken faucet in upstairs bathroom.

According to the lease, it is your duty to fix these problems. If these items are not repaired to my satisfaction by [date], I will pay my February rent into an escrow account with the General District Court on [date]. I hope this will not be necessary.

Sincerely,
Your signature

TO REPORT A CODE VIOLATION, CALL YOUR CITY/COUNTY BUILDING INSPECTOR'S OFFICE.

READ and UNDERSTAND everything in your lease before signing. If you do not understand something, or your landlord is not clear, seek legal advice. Make sure you understand the following points and that they are clearly stated in your lease.

- **How much is the rent?**
- **How much is the security deposit?**
- **How much advance notice is required to move out at the end of the lease?**
- **What day is the rent due and how much is the late fee?**
- **Which utilities are included in the rent?**
- **What appliances are provided by the landlord?**
- **Which repairs are the landlord's responsibility?**
- **Are there any unusual rules or regulations? If so, get a copy of them.**

WHAT IF MY LANDLORD WON'T MAKE NEEDED REPAIRS?

If you simply refuse to pay rent because of the poor conditions in your property, you will most likely lose in court if your landlord sues you for non-payment of rent. The law does allow for you to withhold rent, but you need to use the following procedure and do it through the court system. You must be current in your rent to use this procedure.

File a tenant's assertion: write your landlord a letter stating the problems you are having and what repairs are needed and keep a copy. If nothing is done and you continue to have problems, you may need to set up an escrow account with the General District Court. This means that you pay your rent to the court, rather than to the landlord, and that the landlord may not take legal action against you for withholding your rent (if the property is under the Virginia Residential Landlord and Tenant Act).

Before you pay your rent to the court, you must write your landlord a second letter stating that you are going to pay your rent into escrow if the repairs are not done, and giving him/her the exact date you plan to do it. Again, keep a copy. (It should be on the day you normally pay your rent). The law requires that you give the landlord at least 21 days to make the repairs before you open the escrow account, unless they are emergencies related to health and safety.

When you go to pay your rent to the court, you must take a copy of your lease and a copy of the letter you wrote your landlord asking for repairs. You will be given a court date within 15 days, and the judge will then decide what to do with your rent money, and which repairs the landlord is required to complete.

Call Legal Aid or a lawyer for assistance if needed. Always mail the letter to your landlord and get a proof of mailing from the post office.

It is illegal for a landlord to evict a tenant or terminate a lease because the tenant reported a code or health violation. It's called retaliation. It is also VERY hard to prove in court. If you have problems because you made a complaint, you may need to get a lawyer.